

CHARGE: 402(a)(3)—all of the articles except 200 bags of poppyseed contained rodent urine; and 402(a)(4)—all of the articles were held under insanitary conditions.

DISPOSITION: 1-20-65. Consent—claimed by Westco Products Co., Los Angeles, Calif. Segregated; 281 lbs. destroyed.

30193. Mustard seed. (F.D.C. No. 51421. S. No. 17-006 B.)

QUANTITY: 167 100-lb. bags at Los Angeles, Calif.

SHIPPED: 4-26-65, from Great Falls, Mont.

LIBELED: 5-21-65, S. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 6-16-65. Default—destruction.

30194. Ground black pepper. (F.D.C. No. 51485. S. No. 56-215 B.)

QUANTITY: 57 unlabeled cases, each containing 24 1-oz. cans, at Crisfield, Md.

SHIPPED: 1-18-65, from New York, N.Y., by Food Trading Corp. of America.

LABEL IN PART: (Can) "Maison Royal Pure Ground Black Pepper * * * Food Trading Corp. of America, N.Y., N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was 4.0 percent short weight.

LIBELED: 6-11-65, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 7-28-65. Default—delivered to a charitable institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

30195. Carnation instant breakfast. (F.D.C. No. 50001. S. Nos. 50-396/7 A.)

QUANTITY: 440 cases, each containing 12 6-oz. ctns., each ctn. containing 6 individual 1-oz. envelopes of coffee flavor; and 560 cases, each containing 12 6-oz. ctns., each ctn. containing 6 individual 1-oz. envelopes of vanilla flavor, at Grand Rapids, Mich.

SHIPPED: Between 12-23-63 and 4-23-64, from Milwaukee, Wis., by the Carnation Co.

LABEL IN PART: (Ctn.) "6 Individual Envelopes Just Add Milk New! Carnation instant breakfast A Meal In A Glass Ingredients: Nonfat dry milk, sucrose, lactose, contains 0.37% sodium cyclamate (a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets), stabilizer, vanillin and ethyl vanillin, artificial flavors, ferric pyrophosphate, vitamin A, sodium ascorbate, niacinamide, riboflavin, thiamine mononitrate, basic copper carbonate, and pyridoxine * * * Carnation Company Los Angeles, Calif.," and (envelope) "Coffee Flavor [or "Vanilla Flavor"] Carnation instant breakfast."

LIBELED: 4-24-64, W. Dist. Mich.; libel amended 4-30-64.

CHARGE: 402(b)(1)—when shipped, a valuable constituent of the article, a nutritive sweetener, had been in part omitted; and 402(b)(2)—an article

*See also Nos. 30104, 30114.

sweetened in part by a nonnutritive, artificial sweetener, sodium cyclamate, had been substituted in whole or in part for an article which the food purported to be, whose sweetness was derived from natural sweeteners; 403(a)—the label statements, including the name of the article "instant breakfast" which represented and suggested that the article was an instant breakfast, that it was a meal in a glass, that it provided more protein than two eggs, more energy than two servings of most cereals; that it promoted pep and energy throughout the morning; and that it would promote the appetite of children who won't eat; which statements were false and misleading, since they were contrary to fact; 403(a)—the label statement "sodium cyclamate (a non-nutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets)" was misleading, since the article also contained the added ordinary sweeteners, sugar and lactose; and 403(a)—the article labeled "vanilla flavor" bore the label statement "Vanilla Flavor," which statement was false and misleading as applied to an article containing the artificial flavors vanillin and ethyl vanillin.

DISPOSITION: 10-21-64. Default—delivered to a charitable institution for use in the institution and not for sale.

30196. Dietary supplements. (F.D.C. No. 50146. S. Nos. 49-582/4 A.)

QUANTITY: 25 100-capsule btls. of X-Tra-Hi capsules, 23 100-capsule btls. of Magnum Vitamin B Complex capsules, and 11 100-capsule btls. of Vitamin B Complex Special Formula, at Birmingham, Mich., in possession of Vitamin Center.

SHIPPED: 3-4-63 and 10-17-63, from Buffalo, N.Y.

LABELS IN PART: (Btls.) "X-Tra-Hi Geriatric-Therapeutic Fortified with Vitamins A, D, C, B₁₂ and Niacinamide Vitamin-Center Distributors Detroit 31, Michigan Each Capsule contains: * * * Folic Acid USP 0.25 mg. * * * Directions * * * one capsule daily," "Magnum Therapeutic Vitamin B Complex Fortified With Liver, Iron, Folic Acid, Vitamin C and B₁₂ Vitamin Center Distributors Detroit 31, Michigan * * * Each Capsule Contains * * * Folic Acid 0.25 mg. * * * one capsule daily," and "Therapeutic Vitamin B Complex A Special Formula Fortified With Liver, Iron, Folic Acid, Vitamin C, Choline, Inositol and B₁₂ Vitamin-Center Distributors Detroit 31, Michigan * * * Each Capsule Contains * * * Folic Acid 0.1 mg. * * * one or two capsules daily."

RESULTS OF INVESTIGATION: The articles had been shipped in bulk as above and had been repacked by the dealer.

LIBELED: 5-27-64, E. Dist. Mich.

CHARGE: 402(a)(2)(C)—while held for sale, the articles contained the food additive, folic acid, which, in the amount provided by the directed daily intake, was unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption; 403(a)—statements in the labeling of the articles, (X-Tra-Hi capsules) "Fortified with Vitamins A, D, C, B₁₂ and Niacinamide," (Magnum Vitamin B Complex) "Fortified with liver, iron, folic acid, vitamin C and B₁₂," and (Vitamin B Complex Special Formula) "Fortified with liver, iron, folic acid, vitamin C, choline, inositol and B₁₂" were false and misleading in that they exaggerated the nutritional significance of such ingredients in the articles; and 403(a)—the listing on the labels of the articles of the following ingredients, (X-Tra-Hi capsules) choline, inositol and methionine, (Magnum Vitamin B Complex)